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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,972	04/20/2001	Amy E. Battles	10007461-1	1252

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/838,972

Applicant(s)

BATTLES, AMY E.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06/13/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32- 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarell et al (US Patent 5,912,668), hereinafter, Sciammarella in view of Wang et al (US Patent 6,028,603), hereinafter, Wang.

As per claims 32, 39, 47, 54, 61 and 62 and as to the broadest reasonable interpretation by examiner, Sciammarella teaches displaying an individual image to a user for example figure 1a (column 2 line 52 block 102 as an anchor collectively representing elements as groupings corresponding to an individual image); a user input device see for example column 2 lines 42- 43; a display see for example figure 1a block 100; a computer readable program code see for example column 5 lines 55- 62; receiving ranking information from the user (user directive) indicative of the user's valuation of the displayed individual image(arrangement and structuring display of images) see for example column 3 lines 65- 67 wherein arrangement is user

selectable via the zooming menu and anchor 102; repeating the displaying and receiving actions for a plurality of individual photographic images see for example column 5 lines 15- 20 for the modification (repeating displaying) of the displayed images based on anchor manipulations; assigning the ranking information to data formatted from the displayed individual image see for example figures 2- 3, column 4 lines 1- 10 wherein controlling of the sizing is done through 102 in a particular arrangement and column 3 lines 65- 67 for arrangement of the images through the zooming menu based on various criteria; and inherently teaches subsequently determining dimensions (documents displayed on screen in various sizes which correspond to dimensions of the documents displayed on the screen), based on the ranking information see for example figure 3 and column 4 lines 20- 25.

However, Sciammarella does not teach an image(s) to be printed.

Wang teaches an image to be printed see for example column 4 line 63- 64.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Wang into Sciammarella to create elaborate and creative documents such as images and photographs and to print album pages and images so as to have hard copies of images and photographs on the screen which adds to the versatility of the device, therefore increasing the interactivity between a user and a computer system by providing a paper version of the images and the photographs see for example column 1 lines 10- 64.

As per claims 33, 41 and 56 and in light of the rejections of claims 32, 39, 47, 54,

61 and 62 Sciammarella teaches displaying a plurality of different individual images at different times (most current image being the largest) see for example 4 lines 12- 15.

As per claims 34, 42, 49 and 57 Sciammarella teaches fixed image sizes see for example figure 1b.

As per claims 35, 43, 50 and 58 Sciammarella teaches relative image sizes corresponding to relative values of the ranking information see for example figure 3.

As per claims 36, 44, 51, and 59 and as per rejections of the independent claims, Sciammarella teaches arranging at least one album page with selected ones of the plurality of images positioned in non-overlapping available space, the selected ones being printed with size determined dimensions (images of equal size) see for example figure 1b wherein images are non- overlapping.

As per claims 37, 45, 52 and 60 and as per rejections of the independent claims, Wang teaches a photographic pictorial image see for example column 10 lines 30- 40 and a camera (a digital image acquisition device with interface) see for example column 4 lines 65- 67.

As per claims 38, 40, 46, 53 and 55 and as per rejections of the independent claims, Sciammarella teaches storing the ranking information in combination with the data corresponding to size displayed individual image in a ranked image data block (options on the zooming menu in association with said image data) see for example column 3 lines 65- 67.

As per claim 48 and as per rejection of claims 33, 41 and 56 Wang inherently

teaches I/O devices (e.g. printer and digital camera) with interfaces and coupling to the processor and activation of said devices see for example column 4 lines 65- 67 and figure 2 for the I/O device 519.

### ***Response to Arguments***

Applicant's arguments filed 06/13/2005 have been fully considered but they are not persuasive.

As per applicant's remarks on page 9, applicant argues "in claim 32 Sciammarella in view of Wang do not disclose the action of "displaying an individual image to a user" and that "Sciammarella discloses an anchor whose function is to *collectively represent* elements, such as graphical images, within a group" later concluding "Sciammarella discloses a representation of a group of images - the antithesis of an individual image."

Examiner respectfully disagrees.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Examiner fails to observe specifically how applicant's claimed invention differs from that of the prior art made of the reference for rejection. As to the broadest reasonable interpretation by examiner, Sciammarella teaches displaying an individual image to a user for example figure 1a (column 2

line 52 block 102 as an anchor collectively representing elements as groupings corresponding to an individual image).

As per applicant's arguments on page 9, applicant argues "Sciammarella in view of Wang also do not disclose the action of subsequently determining dimensions . . . of an image to be printed" later concluding "**thus is** not a subsequent" determination".

Examiner respectfully disagrees.

Examiner fails to observe specifically how applicant's claimed invention differs from that of the prior art made of the reference for rejection. As to the broadest reasonable interpretation by examiner, Sciammarella inherently teaches subsequently determining dimensions (documents displayed on screen in various sizes which correspond to dimensions of the documents displayed on the screen), based on the ranking information see for example figure 3 and column 4 lines 20- 25. Examiner also finds the "to be printed" feature as claimed as being analogous to "may be printed".

As per applicant's remarks on page 9, applicant argues "Wang fails to disclose the concept of sizing of images to determine dimensions of a printed image" later making a reference to the concept of sizing as defined through the specification.

Examiner fails to observe said feature of "sizing" or even "the concept of sizing" as being claimed through claim 32 and would suggest

amending said features.

As per applicant's argument on page 9, applicant argues "in claim 33, Sciammarella in view of Wang do not disclose any of the actions of displaying a plurality of different individual images at different times, receiving and assigning ranking information . . . , subsequently determining dimensions . . . , and printing at least one album page."

Examiner respectfully disagrees.

Examiner fails to observe specifically how applicant's claimed invention differs from that of the prior art made of the reference for rejection. As to the broadest reasonable interpretation by examiner, Sciammarella teaches displaying a plurality of different individual images at different times (most current image being the largest) see for example 4 lines 12-15.

As per applicant's remarks on page 10, applicant argues "in claim 38, Sciammarella in view of Wang do not disclose storing the ranking information in combination with data formatted from the displayed individual image."

Examiner respectfully disagrees.

Examiner fails to observe specifically how applicant's claimed invention differs from that of the prior art made of the reference for rejection. As to the broadest reasonable interpretation by examiner, Sciammarella teaches storing the ranking information in combination with the data corresponding to size displayed individual image in a ranked image data



block (options on the zooming menu in association with said image data) see for example column 3 lines 65- 67.

As per applicant's remarks on page 10, applicant argues "in claim 39 Sciammarella in view of Wang do not disclose the action of repeating the displaying and receiving actions for a plurality of individual photographic images."

Examiner respectfully disagrees.

Examiner fails to observe specifically how applicant's claimed invention differs from that of the prior art made of the reference for rejection. As to the broadest reasonable interpretation by examiner, Sciammarella teaches repeating the displaying and receiving actions for a plurality of individual photographic images see for example column 5 lines 15- 20 for the modification (repeating displaying) of the displayed images based on anchor manipulations.

As per applicant' remarks on page 11, applicant argues "in claim 47 Sciammarella in view of Wang do not disclose a processor adapted to display an individual image to a user."

Examiner respectfully disagrees.

Examiner fails to observe specifically how applicant's claimed invention differs from that of the prior art made of the reference for rejection. As to the broadest reasonable interpretation by examiner and in light of response to arguments made above, Sciammarella teaches a processor see for example fig. 1A.

### **Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (571) 273- 8300 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



Mike Rahmjoo

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

August 26, 2005